

Express Mail EV 283743579 US

JD Docket No. 816020-100056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 816020-100056
First Named Inventor: James L. Cox
Prior Application Information:
Serial No. 10/153,286
Examiner: H. Matthews
Art Unit: 3738

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

19270 U.S. PTO
10/696202
102803

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☒ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/153,286 filed on May 21, 2002, by

James L. Cox, entitled:

REPLACEMENT HEART VALVE

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 283743579 US
Express Mail Label No.

October 28, 2003
Date of Deposit
LAI-2069021v1

Lorraine Telles
Name of Person Mailing Paper

Lorraine Telles
Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

45 Page(s) of Written Description
2 Page(s) of Claims
1 Page(s) of Abstract
5 Sheet(s) of Drawings ☒ formal ☐ informal
2 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy filed on May 21, 2002 in prior application [37 CFR §1.63(d)]
Serial No. 10/153,286, filed May 21, 2002.
☐ Newly executed
Other: _____

- ☒ The prior application is assigned of record to 3f Therapeutics, Inc. A copy of the Assignment to 3f Therapeutics, Inc. filed and recorded on April 29, 1999, in prior parent patents (Pat Nos. 5,480,424, 5,713,950 and 5,824,063) is enclosed.
- ☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
- ☐ Request for Certification Under 35 U.S.C. 122(b)(2)(B)(i), Applicant must attached form PTO/SB/35.

II. AMENDMENTS

- ☒ Cancel in this application original Claims 1-6 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

III. FEE CALCULATION

- ☒ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$750.00
Total Claims	6	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$84.00 \$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/> \$0.00
TOTAL OF ABOVE CALCULATIONS						\$750.00
Reduction by ½ for Filing by Small Entity.						<input checked="" type="checkbox"/> \$375.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
TOTAL FILING FEES DUE HEREWITH						\$375.00

IV. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. Application Serial No. _____ on _____
- ☐ The certified copy will follow.

V. RELATE BACK - 35 USC § 120

- ☒ This application is a divisional application of application Serial No. 10/153,286, filed May 21, 2002, now pending.
- ☒ Appropriate relation back information is included in the preliminary amendment or specification.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are):
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
- [Name(s) of inventor(s) to be deleted]

VI. FEE PAYMENT BEING MADE AT THIS TIME

- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

- ☒ Attached.
- ☒ Filing fees. \$375.00
- ☐ Presentation of extra claims 37 CFR § 1.16(b).
- ☐ Recording assignment. [**\$40.00** 37 CFR § 1.21(h)(1)] —
Petition fee for filing by other than all the inventors or
person on behalf of the inventor where inventor
refused to sign or cannot be reached.
[**\$130.00**; 37 CFR §§ 1.47 and 1.17(h)]
- ☐ Petition fee to Suspend Prosecution for the Time —
Necessary to File an Amendment (New Application
Filed Concurrently.)
[**\$130.00**; 37 CFR §§ 1.103 and 1.17(i)]
- ☐ For processing an application with a specification in a —
non-English language.
[**\$130.00**; 37 CFR §§ 1.52(d) and 1.17(k)]
- ☐ Processing and retention fee. —
[**\$130.00**; 37 CFR §§ 1.53(f) and 1.21(l)]
- Total Fees Enclosed** \$375.00

VII. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of \$0.00.
- ☒ Charge Jones Day's Deposit Account No. **50-2468** in the amount of \$375.00.

VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- ☒ 37 CFR § 1.16(a) (filing fees)
- ☐ 37 CFR § 1.16(b) (presentation of extra claims)
- ☐ 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR § 1.17 (application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)